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Special Report

Legality

Arqueonautas was active in Portugal at a time when the law allowed for treasure hunters, but moved to African coasts when the legislation changed during the Guterres government. Nonetheless the roots are still here, along with the headquarters and the associated members of the company, directed by a German Count.

WHO DO TREASURES IN THE SEA BELONG TO?

Portuguese Treasure-hunters are legal in Mozambique **By Leonor Figueiredo**

What is a treasure hunter? Even a child knows the answer. All they have to do is read a few illustrated books and watch a few films. The reality is actually not so different from the child's imagination. Treasure hunters exist and they search for precious valuables that lie forgotten on the seabed.

Since the use of the diving suit with air bottles in the 1950's, the Lusitanian cultural heritage, witness to the pioneers during the Expansion and spread across many oceans, has been the object of insatiable appetites. In the 1970s and 1980s treasure hunts increased thanks to the advance of sophisticated technology.

Several weeks ago, as we reported the discovery of the remains of a 16th century shipwreck in Namibia, most probably Portuguese, [the discussions are still ongoing, strangely so, within the Ministry of Foreign Affairs], we revealed that dozens of our historical ships have been interfered with, and the contents either auctioned off or sold to foreign museums.

Members of importance

It is in this context that we came across the name of a company based in Portugal: Arqueonautas Worldwide Arqueologia Subaquática, SA. The CEO of this company, which has been the object of some controversy, is interviewed on the next page.

Founded in 1995, the company counts today with members of renowned Portuguese names, such as Francisco Pinto Balsemão, José Manuel Espírito Santo, Henrique Granadeiro, Ricardo Espírito Santo Salgado, José Manuel de Mello, Augusto de Athayde and Ernâni Lopes. They certainly did not join

because of profit, for, as Nikolaus Sandizell admits, even though Arqueonautas has been active for 13 years, it has not yet started to make profit.

In the eyes of the Portuguese law, the company functions in the same way as treasure hunters and were thus forbidden to work in Portugal when, in the mid-90s, the minister Manuel Maria Carrilho completely opposed the legislation, which had been approved whilst Santana Lopes was Secretary of State Culture.

The two sides of a coin

However, this accusation is not valid when Arqueonautas works in Mozambique and Cape Verde, for these countries have not signed the UNESCO 2001 Convention. The document establishes ethical principles with regards to cultural heritage. It is like reading the two sides of a coin with very different perspectives.

On the other hand, Portugal has assumed a passive attitude over the years towards what happens with its historical vessels, quite the opposite to the attitude taken by the Spanish, who did not hesitate to go to court with one of the most powerful treasure-hunting companies of the world, Odyssey, in order to defend the cultural heritage from its shipwrecks. The Spanish have won several trials at different proceedings in North America.

Portuguese coastal legislation was developed in 1997, well before UNESCO launched the Convention for the Protection of Underwater Cultural Heritage, which Portugal ratified. The convention needs the signature of three more countries to reach the minimum of 20 subscribers. The 17th country to agree with the terms of the convention is Cuba, who signed the document several weeks ago.

The intensification of treasure hunting led to a study of the phenomenon in the 1980s, organised by the European Council. The resulting famous Roper Report warned that we were facing a catastrophe in the field of illegal underwater archaeology.

Legally, in Mozambique Arqueonautas has performed excavations on Portuguese ships that wrecked in those areas. As Arqueonautas informed us, a crew of seven members and 12 specialists is on board the Indian Ocean Explorer, all part of a team of marine archaeologists, conservators and draftsmen. The archaeologist in charge is the Cuban Alejandro Mirabal.

Rare Astrolabe from the 17th Century

This is one of the rarest examples that have ever appeared at an international level. Nicolau Rufu's astrolabe (named after the master maker) was discovered during Arqueonautas' excavations and then auctioned by Sotheby's in December 2000. This unique piece was found in an excavation performed in Passa Pau, Cape Verde, on a Portuguese shipwreck. The silver-plated astrolabe, which dates from 1645, was purchased at an auction for 200 thousand dollars. It can

now be admired by visitors of the Maritime Museum of Virginia, USA. Arqueonautas recognizes that this unique piece was sold as an exception upon request of the Cape Verdian Government.

From the bottom of the sea to the auction house

Ming Dynasty plates doubled their value at an auction in Amsterdam. But not all pieces recovered from the wreck site were auctioned. Arqueonautas also commercialises recovered artefacts on the Internet

The auction, which awakened the most protests, took place on the 19th of May 2004 at Christie's in Amsterdam. The artefacts had been recovered from a Portuguese vessel, which wrecked off the Island of Mozambique in the mid-16th Century, thereafter named the "Fort San Sebastian" and considered a finding as important as the *Mary Rose* or the *Vasa*. The day after the auction the rare Ming porcelain, which was in "very good condition", Reuters reported that they had reached double the value as was expected. In total 150 pieces of the 450-year old Chinese porcelain were sold; some of them were engraved with the date 1553, as well as twelve pieces of gold. The auction produced 120 thousand euros for Arqueonautas, which the CEO confessed to be "very little" during an interview with DN (above).

Tomorrow we will talk about the Portuguese shipwrecks dating from the 16th to the 19th century recovered by **Arqueonautas Worldwide – Arqueologia Subaquatica SA** in Mozambique and we will give a list of all wrecks excavated during the company's activities in Mozambique.

Interview Nikolaus Sandizell, CEO of Arqueonautas

"Our investors are perfectly aware that there is no guarantee of profit..."

Profile: German, 49 years old. He has the title of Count. He has been living in Portugal and abroad for 16 years.

CEO of the company Arqueonautas.

Trained in Business Management. He worked in Portugal as representative of MAN until 1995.

Is Arqueonautas profitable?

Well, if we analyse the individual projects, some are profitable and some are not. Today the situation is stable. We will start to make profit.

Can you provide numbers? Are your reports transparent?

We have audits and audited results every year. But they are not public. We are a S.A., a private S.A. The results are for internal purposes.

Did you make any profit in 2007?

We made no profit and no losses.

One can see advanced technology in the photos, which implies a big investment.

We try to work with the most advanced technology possible. It costs money, but we learn the hard way. The most difficult part is being high-risk capital. But over the last years we have learned to produce the maximum results with the minimum of funds.

Some of your shareholders are rich.

Some of them.

And they don't mind to invest. In an interview with the late Mr von Breisky, he said that he was particularly motivated by the romantic side of Arqueonautas' activities, even though it was the least profitable...

We have two types of investors. The philanthropist, who likes to help to save our underwater cultural heritage, and the speculator, who waits to find a valuable shipwreck...

But this second type is less profitable for you. I would like to understand.

Our investors are fully aware that there is no guarantee of any profit. It is a very large risk.

Do you not pay with artefacts?

Artefacts that are not classified as cultural heritage can be sold, and obviously the profit is a benefit for the shareholders. We have a web shop, in which everyone can buy declassified objects. There was one single exception, the astrolabe, but that was a decision taken by the minister of culture of Cape Verde, who said that they could not allow themselves the luxury of having such a valuable artefact in a museum with 20 daily visitors and that they could build another museum with that money.

Are the founding shareholders of Arqueonautas the same ones as from 1995?

Almost all of the shareholders remain. The advisory board has had slight alterations over the last 13 years.

Do you not consider yourself a treasure-hunter? Why not?

Because when Arqueonautas was born, the advisory board clearly defined our philosophy, which is to perform our work scientifically and in favour of the protection of world maritime heritage by helping to make shipwreck artefacts accessible to the public thanks to museum exhibitions.

The Unesco Convention of 2001, which some countries ratified, does not say that. [2001 Convention on the Protection of the Underwater Cultural Heritage]

When we started our activities Commander John Grattan, ex-Navy Official, was working with us. He had been in a situation of contempt of authority in 'Ilha Terceira' in 1972, unknown to any of us. When we found out, we realised that we had made a mistake in working with him. He was fired, as he had not been honest, but the image of being treasure hunters stayed with us.

If you are not treasure hunters, then why don't you work in Portugal?

Because it's completely illegal to work in territorial waters of Portugal. There is nothing we can do.

So there are two sides to the coin. In Portugal your activities are illegal, but not in Mozambique and Cape Verde, for example.

Arqueonautas was born with the law of Pedro Santana Lopes [secretary of state of Culture at the time]. It was our motivation. We met Amândio Marques Guedes, the President of the Commission and the highest judge of the country. He was very serious and well organized.

But then Gutierres changed the law.

The Government and the law changed very quickly. We had already prepared the project and spent 50 thousand Euros, but then everything was cancelled. We suffered a very important loss.

When Maria João Burstoff was Minister of Culture, did you benefit from it?

No, at that stage she left. She said she could not be part of the Scientific Advisory Board of Arqueonautas.

Did you ever donate anything to a Portuguese museum?

The Museum of Pharmacy has one of our donations. We didn't try with other museums. Three years ago we suggested selling the porcelain in Lisbon instead of in Amsterdam. It would have been nice for the porcelain to finally come back

to Lisbon 500 years late. We asked the Ministry of Culture, but never received an answer.

You said that there is a group of archaeologists who pursue you...

I don't have the feeling of being pursued. I had dinner with an archaeologist Dr Francisco Alves a few months ago. We have opposite opinions with regards to the protection of a shipwreck in situ. In situ protection is absolutely impossible in Africa or Asia because there is simply no other way of controlling the shipwreck. Another subject is the sale of artefacts. Our opinion is that it makes no sense to keep 20 thousand recovered coins in a museum. What does make sense is to have a collection of the most unique and interesting coins on display.

Archaeologists argue that you destroy the shipwrecks.

It's simply untrue and unjust.

The 2004 auction of the pieces from the *Fort San Sebastian* shipwreck produced one hundred thousand euros. Don't you think that's a small amount?

It's very little of course. It was one of those situations.... Normally the contract stipulates 50% for each party, but this shipwreck was excavated in Mozambique and as agreed with the Government, that percentage is calculated after deducting operation costs. In this case, the Government kept 72,73% of the porcelain, because when we classified the artefact, there were so many unique pieces that there were not many left over to sell.

But the question on ethics always remains...

Let's be realistic. In Africa or Asia there are simply no conditions. Portugal has the navy, the maritime police, and the coast is controlled. But there, people are poor and if they are given the possibility they will use it to recover and sell all the cannons, coins, porcelain etc... that they can find.

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